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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 SECURITIES AND EXCHANGE COMMISSION,
15 Plaintiff,
16 vs.
17 DAVID SCOTT CACCHIONE,
18 Defendant.
19
20

Case No. CV-09-1259 CRB

STIPULATION AND [~~PROPOSED~~] ORDER
TO EXTEND THE DEADLINE FOR THE
INITIAL CASE MANAGEMENT
CONFERENCE

[Civ. L.R. 7-12]

21
22 WHEREAS, the Securities and Exchange Commission ("Commission") brought the above-
23 titled action against David Scott Cacchione ("Cacchione") on March 24, 2009;

24 WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by
25 the Commission against Cacchione on March 31, 2009;

26 WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement
27 and civil penalty to be imposed against Cacchione;
28

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009, where
3 such sentence may include a prison term and restitution order;

4 WHEREAS, Cacchione's sentencing date is now September 29, 2009;

5 WHEREAS, any restitution order imposed as part of Cacchione's criminal sentence may
6 relate to the monetary relief sought by the Commission;

7 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-
8 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

9 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case
10 Management Conference until October 2, 2009; and

11 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the initial Case
12 Management Conference until December 4, 2009, at which time ~~Del Biaggio's~~ ^{*Cacchione's*} criminal sentence will
13 be known, and the Commission can more fully consider what additional remedies, if any, it will seek.

14 IT IS SO STIPULATED.

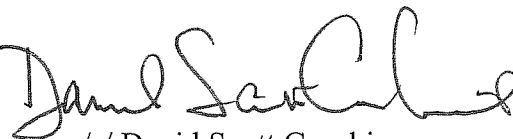
15 Dated: September 21, 2009

16
17 /s/

18 Marc J. Fagel
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27 Dated: September ^{*22*}____, 2009

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/s/ David Scott Cacchione

David Scott Cacchione
11 Haciendas Drive
Woodside, CA 94062
Telephone: (650) 906-3620
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PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, October 2, 2009 to Friday, December 4, 2009.

Dated: Sept. 29, 2009

